

In the claims:

Add new claims 63-68 as follows:

*Amended
Sub
3*

63. (New) An agent as claimed in claim 58 which is a polypeptide encoded by a nucleic acid comprising a nucleotide sequence identical to any one or more of I73APT.seq, I73BPT.seq, I73CPT.seq, and I73DAPT.seq.

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64. (New) An agent as claimed in claim 3 which is a polypeptide encoded by a nucleic acid comprising a nucleotide sequence having about 70% or more sequence identity with any one or more of I73APT.seq, I73BPT.seq, I73CPT.seq, and I73DAPT.seq.

65. (New) An agent as claimed in claim 64 which is an insecticidal toxin obtainable from a bacterial nematode-symbiont.

66. (New) An agent as claimed in claim 64 which is a polypeptide encoded by a nucleic acid comprising a nucleotide sequence which is a derivative of any one or more of I73APT.seq, I73BPT.seq, I73CPT.seq, and I73DAPT.seq. by way of addition, insertion, deletion or substitution of one or more nucleotides.

67. (New) An agent as claimed in claim 63 further encoding a
pesticidal material derived from *Bacillus thuringiensis*.

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68. (New) An agent as claimed in claim 64 further encoding a
pesticidal material derived from *Bacillus thuringiensis*.

Cancel claims 1 and 2.

REMARKS

The above-identified patent application was filed under 35 U.S.C. §371, as a U.S. national stage application under the Patent Cooperation Treaty.

The October 10, 2002 Official Action in this application includes requirements for restriction and election of species, which are premised on the allegation that the claimed subject matter encompasses four (4) separate, patentably distinct inventions. Applicants hereby respectfully traverse the restriction requirement.

In accordance with the present amendment, applicants are presenting new claims 63-68 which further characterize the pesticidal agent of claim 3 as being a polypeptide encoded by a nucleic acid comprising a particular nucleic acid or derivative. Support for new claims 63-66 is provided by original claim 40, as dependent from original claims 8-11, respectively. Support for new claims 67 and 68 is provided by original claim 40, as